

**MINUTES OF THE GILBERT TOWN COUNCIL IN SPECIAL MEETING, TUESDAY,
JUNE 25, 2013 AT 6:00 P.M., 50 EAST CIVIC CENTER DRIVE, GILBERT, ARIZONA**

COUNCIL PRESENT: Mayor Lewis, Vice Mayor Cooper, Councilmembers Cook, Daniels, Petersen, and Taylor

COUNCIL ABSENT: Councilmember Ray

STAFF PRESENT: Manager Banger, Deputy Manager Skocypec, Deputy Clerk Maxwell, Attorney Goodwin, Attorney Hamblin, Development Services Director Mieras, Economic Development Director Henderson, Planning Services Manager Edwards, Senior Planner Milillo, Senior Planner Ward, Planner II Williams

**CALL TO ORDER OF SPECIAL MEETING FOR A JOINT MEETING WITH THE
PLANNING COMMISSION**

Mayor Lewis called the meeting to order at 6:15 p.m.

Councilmember Cooper had the Invocation. Vice Chair Peterson led the Pledge of Allegiance.

WELCOME AND INTRODUCTIONS

Attending from the Planning Commission were Chair Whitman; Vice Chair Peterson; Board Members Bianchi, Fuller, Oehler and Steiger; and Alternate Powell.

COMMUNICATIONS FROM CITIZENS

None

1. Review Planning Commission 2012-2013 highlights.

Chair Whitman gave a presentation on last year's highlights including the Agritopia Epicenter, Val Vista Square, Higley Manor, 164th and Cloud, Cooley Station/Fincher Fields, The Bridges, Residences at Gilbert Town Square, Banner Health Center, and American Furniture Warehouse.

In the coming year there will be a review of the current General Plan in preparation for an update of the Plan.

2. Discuss update of Santan Character Area.

There was discussion of the Town's philosophy in terms of granting exceptions to zoning codes in the Santan Character Area. Development Services Director Mieras stated all requests for changes have been unique. The challenge is to stay true to the General Plan while being receptive to requests.

Planner II Williams gave an overview of the Santan Character Area which is located on sixteen square miles in southern Gilbert. The Area Plan was adopted in 1998 when a majority of the land was unincorporated or agricultural. The original plan called for 3.25 dwellings per acre. In 1998 there were 1,400 residents in the Santan area and 91,000 total residents in Gilbert. Today there are 226,000 residents in Gilbert.

The Planning Commission has formed a committee to look at the purpose, goals and policies of the Santan Character Area and to update those if needed. A group of stakeholders are involved in this project. Chair Wittman said it is difficult to apply standards developed in 1998. Designs presented today are not for large lots that were originally envisioned. This is a good opportunity to think about whether or not the Area Plan needs to be changed.

Vice Mayor Cooper stated commercial areas should be appropriate and placed well. There is not much commercial development in the area but he does not want to see large properties that will be hard to develop. It is important to be flexible and look at designs on a case-by-case basis.

There was a question over whether there should be an update to the General Plan or just the Area Plan. Right now the update being discussed is to Chapter 10 of the General Plan which includes all the Character Areas. Councilmember Daniels stated clarification within the Plan to explain the guidelines would be helpful. Councilmember Cook stated his concern is the Town is setting a precedent that it is easy to get the density figures changed in Gilbert. The idea is a one step change is acceptable, but where will it stop. It now seems the Town never says no to one step.

There was discussion over the history of the Character Areas. The idea is all the Character Areas will need to get together and decide what they want in their Area. Development Services Director Mieras will work on getting stakeholders, infrastructure engineers, and internal staff together with the Planning Commission. They will bring their findings to Council.

3. Review vacant land targeted for economic development efforts/employment and multi-family requests.

Senior Planner Ward made a presentation on the vacant land available for employment opportunities. Currently there are four areas designated for business attraction and expansion. The primary features of these areas are they are near the airport, a freeway, educational facilities, retail establishments, and skilled labor is available. Vertical development is prevalent in 5 areas in Town, with four to six story buildings and mixed use vertical development is encouraged. Currently there are four square miles of available land for development and 65% of that is vacant.

There was some discussion on recent building activities in the Town. It is important to make sure approved projects are the best use of the land. Economic Development Director Henderson stated some businesses are looking for buildings that are already built. With recent Development Agreements some of the gaps in the Town's building inventory are closing and businesses are expressing more interest in moving to Gilbert.

Senior Planner Milillo gave a presentation on the vacant land for multi-family dwellings. Most of these types of buildings are located in the central and north areas of Town. The largest cluster is at

Santan Mall and at Gilbert Road near Highway 60. Future areas for development are at Cooley Station and Williams Field Road from Recker Road to Power Road. A little under 3% of total land in Town is designated for multi-family dwellings. That equates to 402 acres or 6,776 units. This is a lower percentage than other municipalities in the Phoenix area. There has been interest recently in integrating multi-family dwellings in regional commercial districts and this will be the topic at the July meeting of the Planning Commission.

There was discussion of concerns regarding multi-family dwellings. It is important to require the highest quality for these projects in order to attract quality residents and to be a deterrent to crime. There is also a concern some builders may be taking advantage of the use permit process in order to by-pass the Planning Commission and Town Council. It is important property owners be able to use the procedures in place when they purchased their property and to not add more restrictions afterwards. Senior Planner Milillo stated stakeholders have asked for a menu of characteristics on how to seamlessly incorporate multi-family dwellings into commercial areas while keeping the areas crime free. This will be a project the Planning Commission will work on and they will take their findings before the Council.

Mayor Lewis and the Councilmembers thanked the Planning Commission members for the time and work they put into making Gilbert a well-planned Town.

ADJOURN

Mayor Lewis called the meeting to order at 7:38 p.m.

ATTEST:

John W. Lewis, Mayor

Lisa Maxwell, CRM, Deputy Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the Town Council of the Town of Gilbert held on the 25th day of June 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____.

Lisa Maxwell, CRM, Deputy Town Clerk

**MINUTES OF THE GILBERT TOWN COUNCIL IN SPECIAL MEETING,
WEDNESDAY, JUNE 26, 2013 AT 5:00 P.M., SOUTHEAST REGIONAL LIBRARY, 775
NORTH GREENFIELD ROAD, GILBERT, ARIZONA**

COUNCIL PRESENT: Mayor Lewis, Vice Mayor Cooper, Councilmembers Cook, Daniels, Petersen, and Taylor

COUNCIL ABSENT: Councilmember Ray

STAFF PRESENT: Manager Banger, Deputy Manager Skooyec, Deputy Clerk Maxwell, Attorney Hamblin, Interim Parks and Recreation Director Dykstra

CALL TO ORDER OF SPECIAL MEETING

1. Presentation and questions on the Parks Master Plan to include

- Open House (5:00-5:30)
- Presentation (5:30 – 6:30)
- Open House (6:30 – 7:00)

Leslie Dornfeld and Jim Coffman from the consulting firm PLANet presented a program on the specifics of the Parks and Recreation Master Plan. The presentation included an overview of the process, the vision of the Master Plan and how the Town of Gilbert ranks with comparable municipalities. Specifics for areas such as facilities, pools, programs, trails, maintenance and funding were discussed.

ADJOURN

The presentation concluded at 6:55 p.m.

ATTEST:

John W. Lewis, Mayor

Lisa Maxwell, CRM, Deputy Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the Town Council of the Town of Gilbert held on the 26th day of June 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____.

Lisa Maxwell, CRM, Deputy Town Clerk

**MINUTES OF THE GILBERT TOWN COUNCIL IN SPECIAL MEETING,
THURSDAY, JUNE 27, 2013 AT 7:15 A.M., 50 EAST CIVIC CENTER DRIVE,
GILBERT, ARIZONA**

COUNCIL PRESENT: Mayor Lewis, Vice Mayor Cooper, Councilmembers Cook, Daniels, Petersen, Ray and Taylor

GILBERT STAFF: Manager Banger, Deputy Manager Skocytec, Clerk Templeton, Town Attorney Hamblin, Town Attorney Goodwin, Development Services Director Mieras, Management and Budget Director Irvine, various Department Directors and Managers

**CHAMBER MEMBERS
& STAFF**

Jasmine Holmes, Alan Mandel, Kevin DeRosa, Jon Olson, Todd Werner, Linda Stanfield, Adelaida Severson, Emma Brewer, Roy Jackson, Jeff Mirasola, Rich Vandermolen, Kathy Tilque, Adrienne Lynch, Sarah Watts, Lisa Fairbanks, Tim Bricker, Paige Modlin, Todd Brundrett, David Valenzuela, Ralph Willett, JW Rayhons, Joan Krueger, Kris Sippel, Sheila Hunter, Russell Smoldon, Matt Streeper, Jim Lykins, Darren Patoni, Richard Andrews

**CALL TO ORDER OF SPECIAL MEETING FOR A JOINT MEETING WITH THE
GILBERT CHAMBER OF COMMERCE
WELCOME AND INTRODUCTIONS**

Mayor Lewis called the meeting to order at 7:17 a.m. and welcomed everyone to the meeting. Mayor Lewis introduced the Council and Chamber members introduced themselves. Gilbert leadership staff in attendance stood and was recognized.

1. COMMUNICATIONS FROM CITIZENS

None.

ADMINISTRATIVE ITEMS

2. Presentation on Town of Gilbert highlights for the past year including but not limited to Strategic Initiatives, Economic Development activity, Heritage District, and budget.

Mayor Lewis presented 2013 highlights which included the Mayor's Character Race, accreditation of Economic Development, Gilbert Schools turning 100, relocation of J. W. Rayhons office, bike friendly and tree recognitions, Cactus League Hot Dog Challenge, Gilbert Feeding Families, Gilbert Leadership Class XXI mural, Digital State of the Town, and the Lewis grandchildren visiting Gilbert. Mayor Lewis briefly reviewed residential and commercial developments that were approved or are being planned for Gilbert. Mayor Lewis concluded by discussing 10 things about Gilbert that included a five year focused strategic plan, emphasis on

STEM, specialized and educated workforce, community plan, world class companies, strong market access, solid partnerships, Gilbert programs enable projects, marketing plan, and quality of life. Mayor Lewis said these things are important when members act as ambassadors to Gilbert.

3. Presentation on Gilbert Chamber of Commerce highlights for the past year including but not limited to, referral culture and numbers, Shop Gilbert, executive housing campaign and House Bill 2147.

Jon Olson, President of the Gilbert Chamber of Commerce, briefly commented on a referral culture.

David Valenzuela, Phoenix Mesa Gateway Airport, said the strength and success of Phoenix Mesa Gateway Airport is not the runway but rather the partnerships. The partnerships are one of the strongest in the country. The partnership involves sharing information and exchanging advice, leads, and goals with one another.

Mr. Valenzuela presented the referral tip and said that the Referral Power Teams increases visibility. Partners are trading information and working together to increase everyone's success. He stressed a need to develop a referral cultural and continue to work together. Mr. Valenzuela provided an example of working with Gilbert. He concluded by reporting that the airport is doing more than planes and are starting Angel Flights where patients who need to get to cancer centers are assisted.

President Olson thanked Salt River Project for its sponsorship of the Good Government Series.

President Olson said that it has been quite a year at the Chamber and they are surrounded by great leaders who see what a great community Gilbert is and put their efforts behind them. President Olson presented 2013 highlights. The Chamber implemented a referral cultural and there are five referral teams. They are tracking the impact of the teams and the teams were involved with \$2.9 million in businesses. President Olson discussed the Chamber's role in advocacy, and recently advocacy of HB2147 related to unemployment claims. The Chamber partnered with the East Valley Chamber of Commerce Alliance and the Governor signed a bill that takes the burden of proof off businesses for unemployment claims and moves it to the employee. President Olson discussed procurement and the Chamber's efforts to help businesses learn how to sell to different entities, that they are part of the Greater Phoenix Chamber of Commerce Bid Source program, and they are working with the Town on local preference. He concluded by reporting that Gilbert Leadership has graduated over 350 people and the Chamber had five videos produced, including a focus on Shop Gilbert. The producer, Anthony Miles, won a Telly Award for his videos.

4. Presentation on Gilbert Chamber of Commerce Partners in Progress program.

J. W. Rayhons discussed the Partners in Progress program. He said that partnerships are part of the Chamber's strength. The program has been in place for 18 months. Mr. Rayhons said that it

is important to have Gilbert involved and Mayor Lewis and Town Manager Banger are engaged and involved in the program. He discussed the program and said it promotes and facilitates a healthy business environment to promote economic development. Mr. Rayhons continued to discuss the program and spoke of its success in visiting 100 companies and explained the interviews and surveys that take place to gather information about what is going on in the community. He explained how the program is engaging students. The program allows businesses to grow and the Town has listened well and responded quickly. Mr. Rayhons said that they found issues related to workforce readiness and discussed how ASU and CGCC are looking at ways to shorten the gap. He said that the education, business, and city are working together. Mr. Rayhons provided an example from ASU Polytechnic where freshman are in the lab Day 1 and ASU is working hard on a project based classroom experience. CGCC students learn from business owners. They are looking for additional partners and engaging businesses into the education process.

5. Panel discussion on the following topics:

- a) Business Attraction
- b) Zoning
- c) Business engagement in the community
- d) Strategic Planning for build out
- e) Budget contingency/reserved accounts for the future
- f) Local Preference
- g) Street Closures
- h) Building Codes
- i) Transportation, including the South Mountain Freeway, Arizona Department of Transportation Passenger Rail, Master Plan, Capital Improvement Plan (CIP) Projects, Gateway Airport
- j) Parks Master Plan and Parks Capital Improvement Plan Projects
- k) Economic Development Investments and Expansions, Jobs
- l) Business Friendly Initiatives
- m) Water 100-Year Plan
- n) Legislative Session Update including Transaction Privilege Tax Simplification

Russell Smolden, Salt River Project, served as the moderator for a panel discussion. Participants were asked to respond to how things are going in the Town of Gilbert and the State of Arizona.

Kathy Tilque, Gilbert Chamber of Commerce, said that businesses are seeing sales increase but businesses say it is not as good as people think. The recession is not over and small businesses are growing slower. Ms. Tilque said that Gilbert positioned itself for growth in economic development but cautioned that Gilbert cannot be complacent.

Jon Olson, President of the Gilbert Chamber of Commerce, said that Gilbert grew rapidly in residential and residential is two-thirds built while only half of the commercial is built. There are challenges with putting in place infrastructure, then maintaining and planning for replacement. Mr. Olson said Gilbert is a fantastic place to live and is positioned to other communities. There

are many good things but we need to be aware of the challenges. He said we need to make an environment that is favorable for future commercial development.

Mayor Lewis said there is major economic development taking place and Gilbert has great businesses. The strength in commercial are the small businesses and the large businesses help small businesses grow. He reported on Mayor Scott Smith of Mesa taking the leader at the Conference of Mayors and how it puts him in a position to do great things for the State. In addition, Mayor Rogers is on the National League of Cities and Towns.

Manager Banger said Gilbert is collecting and monitoring data. He said we are cautiously optimistic on growth in commercial and housing is rebounding. The number of available residential lots plummeted and there are a lot of plans in for undeveloped land. There has been good planning and vision for the community. Manager Banger said it is important that staff be focused. He discussed Gilbert's high wage job strategy and said small businesses are the lifeblood of the community. Most small businesses are cautious and do not think we are out of the recession yet. He concluded that Gilbert is focused on planning and is working on a Long Range Revenue Plan and an Infrastructure Plan.

Mayor Lewis responded to a question on how ready Gilbert is to go. He said that Gilbert has six values and one is innovation. Mayor Lewis said Gilbert has done a series of short videos and one is on what is happening in Development Services as a result of feedback from this group. He shared an example where a business that recently opened said that it took five times as long to open in other communities.

Development Services Director Mieras explained changes at the front counter and different types of plan reviews. Customers receive immediate assistance at the counter and this provides additional capacity in the back. Five plan review processes were added and are working well. Development Services Director Mieras reported they are looking at some expedited reviews and Economic Development is using this information as they meet with prospects.

Mayor Lewis commented on the Agritopia EpiCenter and residences at Gilbert Town Square. There are four major employment areas ready to build and vacant land is filled in for commercial.

Manager Banger said the changes in Development Services result in standard turnaround being faster than all other cities in the region and this is not small feat. He said they have aggressive patience to pursue all opportunities but pass on those that are not the highest and best use for the community.

Mr. Smolden asked that the panel to discuss business engagement in the community.

Mr. Olson said we can work together to convey what is important, look at high wage jobs, and listen to input from the business community. He said the business community needs to know how it fits. There are opportunities from the dialogue on taxation of commercial space. Gilbert needs to be sustainable.

Mayor Lewis said his favorite activity is Operation Welcome Home and his favorite businesses activity is the Partners in Progress program. Mayor Lewis said we are getting very helpful comments and then we work together. He discussed Dr. Mendelson's visit to Gilbert and how he said it will not happen unless there are strong partners with education. Mayor Lewis said partnerships are critical.

Mr. Smolden asked that the panel discuss transportation needs.

Councilmember Daniels discussed the Transportation Master Plan that began in May and will finish next May. She said there will be a lot of outreach. Once there is a draft plan she hopes that the members will comment on the plan. She concluded that this is the first time Gilbert has done a Multi-Modal Transportation Master Plan.

Mayor Lewis discussed light and commuter rail and said it will cost a lot of money. He encouraged everyone to help so that what is in the General Plan is not lost. High speed rail in the General Plan and the challenge will be funding. Mayor Lewis said the plan showed the highest usage would be coming through the Town of Gilbert. He said Phoenix Mesa Gateway Airport continues to be an economic engine.

Mr. Smolden moved the discussion to budget and what is being done to take care of long term maintenance.

Manager Banger discussed long range infrastructure planning that is taking place and will look at short and long range needs. The Town has done a good job projecting infrastructure needs and when expansion is needed seeking partners. He commented on the partnership at the South Water Treatment Plant and said Gilbert is currently working on partnerships for a future Wastewater Treatment Plant. The Infrastructure Plan includes inventory, capital, and mapping of every asset that we need to maintain in the community. The Plan will look at projected life expectancy and the replacement cost. Manager Banger said Gilbert is the first community to go to this extent for this type of plan. He provided an example of how periodically replacing parts in a fire hydrant can extend its life from 25 to 100 years.

Management and Budget Director Irvine discussed reserve funds and said there are critical things to be sure we have fund balances. She discussed the fund balance policy that assures revenue is in place to cover three months of operations and one year of debt service payments. She said additional funds can be invested in the community. Management and Budget Director Irvine discussed the prioritization process for funding improvements.

Mr. Smolden introduced the topic of local preference.

Ms. Tilque discussed Shop Gilbert and how it keep funds in the community. She said it is important to get the businesses to know about opportunities and they would like to expand the opportunities to do business with the Town of Gilbert and then expand to the schools and others. Ms. Tilque said the Chamber recommended Council look at local preference. She said there is a

need to reach out to the business community and any type of preference where businesses earn an opportunity to do business with Gilbert. This is a great opportunity for the Town of Gilbert to support local commercial.

Mr. Olson said that other communities have a local preference program and this is a bit of a defensive strategy.

Mr. Smolden asked about going forward in relation to the transaction privilege tax.

Mayor Lewis said he is in favor of tax simplification and commented on the information that Linda Stanfield provided during the legislative session. The bill was signed on Tuesday. Mayor Lewis said the process was intense and unpleasant and at some point there should be a debriefing. Mayor Lewis said the end result was simplification and there is a single license and single audit.

Ms. Tilque thanked Mayor Lewis for his energy on the subject and how it was important to support businesses. She commented on the referral culture and said there is also a need to get to know your partners well. She asked that the Town let the Chamber know what they can do. Ms. Tilque commented on an article by the president of Gallop. Ms. Tilque said it is important to understand who the customer is and what small business means. She said that 75 percent of businesses are individual owners with one or two employees and the main reason they are in business is because they want independence. Ms. Tilque said 25 percent of businesses are considered empire builders and these are the types of businesses you want to grow and expand. These businesses are the ones that want to make a difference and we want to engage these businesses.

ADJOURN

Mayor Lewis made brief closing comments and thanked everyone at the Gilbert Chamber of Commerce for their participation. He said the Chamber is a leadership organization. Mayor Lewis ended "what we do, we do together".

The meeting adjourned at 9:01 a.m.

ATTEST:

John W. Lewis, Mayor

Catherine A. Templeton, CMC, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the Town Council of the Town of Gilbert held on the 27th day of June 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____.

Catherine A. Templeton, CMC, Town Clerk

DRAFT

**MINUTES OF THE GILBERT TOWN COUNCIL IN SPECIAL MEETING, JULY 2,
2012 AT 5:00 P.M., 50 EAST CIVIC CENTER DRIVE, GILBERT, ARIZONA**

COUNCIL PRESENT: Mayor Lewis, Vice Mayor Cooper (phone), Councilmembers Cook (phone), Daniels (phone), Petersen, Ray and Taylor

COUNCIL ABSENT: None

STAFF PRESENT: Manager Banger, Attorney Goodwin (special counsel), Attorney Hamblin, Finance and Management Services Director Mattheisen, Management and Budget Director Irvine, Economic Development Director Henderson, Economic Development Administrator Powell

CALL TO ORDER OF SPECIAL MEETING

Mayor Lewis called the meeting to order at 5:05 p.m.

RECESS SPECIAL MEETING AND RECONVENE IN EXECUTIVE SESSION

A MOTION was made by Councilmember Ray, seconded by Councilmember Raylor, to recess the Special Meeting to reconvene in Executive Session pursuant to A.R.S. §38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding a proposed contract with USA BMX, and A.R.S. §38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a contract with USA BMX that is the subject of negotiations. *Motion carried 7-0.*

Mayor Lewis recessed the meeting at 5:05 p.m.

ADJOURN EXECUTIVE SESSION AND CONVENE SPECIAL MEETING

Mayor Lewis reconvened the Special Meeting at 6:15 p.m.

ADJOURN

A MOTION was made by Councilmember Petersen, seconded by Councilmember Ray, to adjourn. *Motion carried 7-0.*

Mayor Lewis adjourned the meeting at 6:15 p.m.

ATTEST:

John W. Lewis, Mayor

Catherine A. Templeton, CMC, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the Town Council of the Town of Gilbert held on the ____ day of ____ 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____.

Catherine A. Templeton, CMC, Town Clerk

DRAFT

**MINUTES OF THE GILBERT TOWN COUNCIL IN SPECIAL MEETING, TUESDAY,
JULY 9, 2013 AT 6:00 P.M., 727 WEST RAY ROAD, GILBERT, ARIZONA**

COUNCIL PRESENT: Mayor Lewis, Councilmembers Cook, Daniels, and Petersen

COUNCIL ABSENT: Vice Mayor Cooper, Councilmembers Taylor and Ray

STAFF PRESENT: Manager Banger, Deputy Manager Skocypec

CALL TO ORDER OF SPECIAL MEETING

Mayor Lewis called the meeting to order at 6:40 p.m.

1. The Council will meet during a dinner and discuss qualifications of Fire Chief candidates Jim Jobusch, Mark Keough, Dennis Light, Gordon Olson, Dennis Rubin, and John Rukavina.

The Council discussed qualifications and experience with each of the candidates for Gilbert Fire Chief. Jim Jobusch, Mark Keough, Dennis Light, Gordon Olson, Dennis Rubin, and John Rukavina shared their qualifications and experience.

The Council discussed the history of Gilbert and future anticipated growth and development of Gilbert and the Region.

Councilmember Cook left the meeting at 7:50 p.m.

ADJOURN

Mayor Lewis adjourned the meeting at 8:15 p.m.

ATTEST:

John W. Lewis, Mayor

Catherine A. Templeton, CMC, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the Town Council of the Town of Gilbert held on the 9th day of July 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____.

Catherine A. Templeton, CMC, Town Clerk

**MINUTES OF THE GILBERT TOWN COUNCIL IN SPECIAL MEETING,
WEDNESDAY, JULY 10, 2013 AT 5:00 P.M., 50 EAST CIVIC CENTER DRIVE AND 75
EAST CIVIC CENTER DRIVE, GILBERT, ARIZONA**

COUNCIL PRESENT: Mayor Lewis, Councilmembers Cook, Daniels, Petersen, Ray and Taylor

COUNCIL ABSENT: Vice Mayor Cooper

STAFF PRESENT: Manager Banger, Deputy Manager Skocypec, Human Resources Director Bosley, Human Resources Analyst Boynton

CALL TO ORDER OF SPECIAL MEETING

The meeting was called to order at 5:30 p.m.

1. Panel orientation by Human Resources for the Fire Chief interviews (75 East Civic Center Drive, Room 4).

Human Resources Analyst Boynton reviewed interview materials. The materials included candidate resumes and panel questions. Manager Banger and Deputy Manager Skocypec reviewed ideal candidate attributes with Council. Human Resources Analyst Boynton responded to questions from panel members on the process.

Mayor Lewis arrived at 5:30 p.m.

Human Resources Analyst Boynton candidates will each make a presentation in the Council Chambers that will be followed by questions from the Council.

2. Presentation by Fire Chief candidates Jim Jobusch, Mark Keough, Dennis Light, Gordon Olson, Dennis Rubin, and John Rukavina of qualifications and vision for the Fire Department (50 East Civic Center Drive, Council Chambers).

The candidates for Fire Chief each made a presentation to Council on their background and experience. Each candidate was introduced prior to their presentation, made a presentation, and responded to questions.

RECESS SPECIAL MEETING AND RECONVENE IN EXECUTIVE SESSION

A MOTION was made by Councilmember Cook, seconded by Councilmember Petersen, to recess to Executive Session pursuant to A.R.S. §38-431.03, A-1 for discussion and consideration of employment of by Fire Chief candidates Jim Jobusch, Mark Keough, Dennis Light, Gordon Olson, Dennis Rubin, and John Rukavina (50 East Civic Center Drive, Room 233). *Motion carried 6-0.*

RECONVENE SPECIAL MEETING AND ADJOURN

The meeting reconvened at 9:55 p.m.

Mayor Lewis adjourned the meeting at 9:55 p.m.

ATTEST:

John W. Lewis, Mayor

Catherine A. Templeton, CMC, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the Town Council of the Town of Gilbert held on the 10th day of July 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____.

Catherine A. Templeton, CMC, Town Clerk

**MINUTES OF THE GILBERT TOWN COUNCIL IN REGULAR MEETING,
THURSDAY, JUNE 27, 2013 AT 7:00 P.M., 50 EAST CIVIC CENTER DRIVE,
GILBERT, ARIZONA**

COUNCIL PRESENT: Mayor Lewis, Vice Mayor Cooper, Councilmembers Cook, Daniels, Petersen, Ray and Taylor

COUNCIL ABSENT: None

STAFF PRESENT: Manager Banger, Deputy Manager Skocypec, Clerk Templeton, Attorney Goodwin (special counsel), Attorney Hamblin, Employee Relations Administrator Urrea, Assistant to the Manager Welsh, Town Engineer Gillespie

CALL TO ORDER OF REGULAR MEETING

Mayor Lewis called the meeting to order at 7:30 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilmember Taylor gave the invocation and Jake Smith led the Pledge of Allegiance.

ROLL CALL

Clerk Templeton called roll and declared a quorum present.

PRESENTATIONS; PROCLAMATIONS

1. Recognition of partners in the Gilbert Feeding Families Food Drive.

Mayor Lewis commented on the kick-off of the Food Drive at Albertson's in Gilbert with a bag off. Councilmember Daniels introduced a video highlighting the Food Drive. She presented a certificate to Ian Millar, chair of the Committee. Ian Millar made some brief comments and thanked the Committee and staff. Crime Prevention Specialist Kuzmick presented certificates to partners in the Gilbert Feeding Families Food Drive. A representative from the United Food Bank presented a trophy to Gilbert for their contributions.

2. Presentation of the Government Finance Officers Association Distinguished Budget Presentation Award for FY2013.

Councilmember Cook presented the award to Management and Budget Director Irvine. Director Irvine briefly commented on Gilbert's collaborative budget and explained the meaning of the award.

3. COMMUNICATIONS FROM CITIZENS

Joe Geusie, Gilbert, addressed Council about education and how children need Gilbert's help. He discussed spending on education, test scores, and spending on education in Arizona. Mr. Geusie discussed advertising in utility bills, other flyers, and educating citizens in other ways. He provided an example on how we educate citizens. Mr. Geusie commented on capitalism and democracy and said that the vehicle is capitalism and the driver is democracy. He said the elected officials are the driver and he asked that they help schools and innovate democracy. Mr. Geusie said the greatest defense to democracy is education. He asked that Council help by leading and educate through suggestions and that they use the power of education. Mr. Geusie concluded by sharing a quote that "it is more important to focus on what is right than who is right".

CONSENT CALENDAR

A MOTION was made by Vice Mayor Cooper, seconded by Councilmember Cook, to approve Consent Items 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 27A, 30, 30A, 31, 33, 34, 35, 36, and 37 with changes: remove Items 10, 24A, 28, 29, and 32 from the Consent Calendar; remove Consent Item 9 from the agenda; and add Item 43 to the Consent Calendar appointing Jennifer Whitman and David Cavence to the Planning Commission as regular members with terms ending June 1, 2017 and Kyle Powell was appointed to the Planning Commission as an alternate member with a term ending June 1, 2014. *Motion carried 7-0.*

4. INTERGOVERNMENTAL AGREEMENT – consider approval of Intergovernmental Agreement No. 2013-2106-0355 with Maricopa County to annex right-of-way along Power Road between the southbound intersection approach to State Route 202 and approximately 300 feet north of Nunneley Road.

This item was approved with the Consent Calendar vote.

5. INTERGOVERNMENTAL AGREEMENTS – consider approval of Intergovernmental Access Agreements with Arizona Department of Environmental Quality to Drill and Monitor Groundwater Sampling Wells and authorize the Mayor to execute the required documents:

- a) Parcel 302-20-003C, the interior northwest corner of the Neely Recharge Facility, Contract No. 2014-4107-0027;
- b) right-of-way area south of Parcel 302-15-026B on the north side of Commerce Avenue east of Cooper Road, Contract No. 2014-4107-0028; and
- c) right-of-way area south of Parcel 310-09-560 north of Vaughn Avenue west of Cooper Road, Contract No. 2014-4107-0029.

This item was approved with the Consent Calendar vote.

6. AGREEMENT – consider approval of Memorandum of Agreement and Understanding No. 2013-3001-0338 for the Arizona Public Safety Procurement Program through the Federal Excess Property 1033 Program and authorize the Police Chief to execute the required documents.

This item was approved with the Consent Calendar vote.

7. INTERGOVERNMENTAL AGREEMENT – consider approval of Intergovernmental Agreement No. 2013-5007-0352 with Maricopa County Library District for the Library Assistance Program and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

8. TRANSPORTATION – consider adoption of a Resolution approving and supporting the construction of the South Mountain Freeway based on the Draft Environmental Impact Statement prepared by the Arizona Department of Transportation.

This item was approved with the Consent Calendar vote. Resolution No. 3171 was adopted

9. INTERGOVERNMENTAL AGREEMENT – consider approval of an amendment to Intergovernmental Agreement No. 2009-7008-0216 with Gilbert Public Schools for the swimming pool at Gilbert Junior High and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

10. INTERGOVERNMENTAL AGREEMENT – consider approval of the Phoenix-Mesa Gateway Authority Amended and Joint Powers Airport Authority Agreement and Amendment No. 1 to the amended and restated Intergovernmental Agreement, Contract No. 2001-1003-0327, to add the City of Apache Junction to the agreement, and authorize the Mayor to execute the required documents.

Manager Banger provided an overview of the request to add the City of Apache Junction to the Board of Directors of the Phoenix-Mesa Gateway Authority. He said the City of Apache Junction would make an initial capital investment and then would have an ongoing contribution. Manager Banger said that the City of Apache Junction was viewed as a good member.

A MOTION was made by Vice Mayor Cooper, seconded by Councilmember Cook, to approve Item 10. *Motion carried 7-0.*

11. DEVELOPMENT AGREEMENT – consider adoption of a Resolution approving a Pre-Annexation Development Agreement with LBE Investments, Ltd. to annex into Gilbert after issuance of a certificate of occupancy by Maricopa County in order to utilize Gilbert's sewer system and obtain sewer service from Gilbert, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote. Resolution No. 3172 was adopted

12. AGREEMENT – consider approval of Cooperative Purchasing Agreement No. 2014-4105-0292, utilizing City of Pomona, California Contract Spec. # 608.9 with Otto Environmental Services, (AZ) LLC in an amount not to exceed \$651,000 for plastic 95 gallon residential refuse containers, with an option for renewal, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

13. AGREEMENT – consider approval of Cooperative Purchase Agreement No. 2013-1103-0339 utilizing State Contract #ADSP013-037521 with Supreme Oil Company in an amount not to exceed \$3.3 million for bulk fuel, with an option for renewal, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

14. CONTRACT – consider authorizing expenditures utilizing Cooperative Purchasing Contract No. 2013-1105-0057 with Avaya, Inc. in an amount not to exceed \$133,653 for annual hardware and software support and maintenance for telecommunications for FY2014.

This item was approved with the Consent Calendar vote.

15. CONTRACT – consider approval of Purchase Order Contract No. 2013-1105-0201 with Guidesoft Inc. dba Knowledge Services for temporary professional technology staff, in an amount not to exceed salary savings from vacant full-time staff positions plus \$85,000 for temporary staffing allocated in FY2014, with automatic renewal, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

16. CONTRACT – consider authorizing expenditures utilizing Contract No. 2012-1105-0086 with CenturyLink dba Qwest Communications Corp. in an amount not to exceed \$197,600 for telecommunication carrier services for FY2014.

This item was approved with the Consent Calendar vote.

17. CONTRACT – consider authorizing expenditures utilizing Contract No. 2010-1105-0103 with Hewlett Packard Company in an amount not to exceed \$163,800 for computers, printers and servers for FY2014.

This item was approved with the Consent Calendar vote.

18. BUDGET – consider approval of:

- a) contingency transfer not to exceed \$785,000 from the Residential Contingency Fund into the Residential Operating Fund; and
- b) contingency transfer not to exceed \$136,000 from the Commercial Contingency Fund into the Commercial Operating Fund.

This item was approved with the Consent Calendar vote.

19. CONTRACT – consider approval of:

- a) Construction Manager at Risk Preconstruction Services Contract No. 2013-7102-0266 with McCarthy in an amount not to exceed \$48,243 for the Vaughn Avenue Parking Structure, Project No. RD110, and authorize the Mayor to execute the required documents; and
- b) Project Budget Reallocation from the Construction Services budget to the Professional Services budget in the amount of \$49,000.

This item was approved with the Consent Calendar vote.

20. CONTRACT – consider approval of Project/Construction Management Contract No. 2013-7102-0267 with Jacobs Engineering, Inc. in an amount not to exceed \$339,609 for the Vaughn Avenue Parking Structure, Project No. RD110, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

21. No item.

22. CONTRACT – consider approval of:

- a) Architectural and Engineering Services Contract No. 2013-7102-0268 with Transystems Corporation in an amount not to exceed \$303,255 for the Vaughn Avenue Parking Structure, Project No. RD110, and authorize the Mayor to execute the required documents; and
- b) Project Budget Reallocation from the Construction Services budget to the Professional Services budget in the amount of \$52,000.

This item was approved with the Consent Calendar vote.

23. CONTRACT – consider:

- a) approval of Construction Services Contract No. 2013-5003-0279 with FCI Constructors, in an amount not to exceed \$92,800 for the McQueen Activity Center Repairs, and authorize the Mayor to execute the required documents; and

- b) authorize an expenditure appropriation transfer from General Fund Contingency in the amount of \$92,800.

This item was approved with the Consent Calendar vote.

24. CONTRACT – consider approval of renewal of Contract No. 2011-4106-0073 with CPC Construction LLC, for a term of one year in an amount not to exceed \$575,000 for the Minor Concrete Repair Services for FY2014, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

24A. CONTRACT – consider approval of Contract No. 2001-1002-0161 with Curtis, Goodwin, Sullivan, Udall, and Schwab, PLC for legal services, for a transition period of July 1, 2013 through September 1, 2013 and then on an as needed basis, and authorize the Town Manager to execute the required documents.

Councilmember Daniels said she was not at the last meeting and thanked Attorney Susan Goodwin and her firm for their service. Mayor Lewis said that Attorney Goodwin has a new title of Special Counsel.

A MOTION was made by Councilmember Daniels, seconded by Councilmember Cook, to approve Item 24A. *Motion carried 7-0.*

25. CONTRACT – consider approval of renewal of Contract No. 2013-1105-0072 with NEC Corporation of America, in an amount not to exceed \$370,750 for the annual Cisco networking and voice over IP equipment and services or supplies for FY2014, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

26. CONTRACT – consider approval of renewal of Gilbert Municipal Court Judge contracts and authorize the Mayor to execute the required documents for:

- a) Contract No. 2009-1501-0252 with Judge James Dunham for a four (4) year term; and
- b) Contract No. 2009-1501-0038 with Judge David Cutchen, Jr. for a two (2) year term.

This item was approved with the Consent Calendar vote.

27. STREETLIGHT IMPROVEMENT DISTRICT SL13-12 - consider adoption of a Resolution creating Streetlight Improvement District No. 13-12 for Layton Lakes Phase 2 Gilbert and ordering the improvements.

This item was approved with the Consent Calendar vote. Resolution No. 3173 was adopted

27A. STREETLIGHT IMPROVEMENT DISTRICT SL13-13 - consider adoption of a Resolution creating Streetlight Improvement District No. 13-13 for The Bridges East, Parcel 3-4, and ordering the improvements.

This item was approved with the Consent Calendar vote. Resolution No. 3174 was adopted

28. CHANGE ORDER – consider:

- a) approval of Change Order No. 2 to Contract No. 2013-4108-0086 with CH2M HILL Engineers, Inc. increasing the contract time frame from May 31, 2013 through September 27, 2013; and
- b) authorize a Contingency Transfer from the Water Fund in FY2014 in the amount of \$110,000.

Councilmember Petersen asked about the item and how long this will continue. Deputy Manager Skocypec said this is the second change order to the agreement to assist with staffing of the water area. Staff has been working over the last eight months to shore up some positions and meet needs and some positions have not been able to be filled. Gilbert is current doing a targeted solicitation to fill positions. Deputy Manager Skocypec explained that the change order is to extend the time authorized under the first change order until the end of September. The change order is within the amount originally authorized as there were some savings. The contingency transfer is to move the appropriation to the FY14 budget. Councilmember Petersen clarified that the contract time is increased but dollars have not increased. Deputy Manager Skocypec confirmed that is correct.

A MOTION was made by Councilmember Petersen, seconded by Councilmember Taylor, to approve Item 28. *Motion carried 7-0.*

29. GRANT – consider acceptance of Grant No. 2013-3002-0334, from Arizona Department of Homeland Security, for Citizen Corps Training in the amount of \$5,000 and authorize the Mayor to execute the required documents.

Councilmember Taylor commented that he supports the CERT program but would like to fund this locally. He briefly commented on the federal deficit.

Councilmember Cook said if this does not pass would like to see funding come out of the General Fund. He said maybe in the future this could be included in the budget. Councilmember Petersen said he agrees and would like to look to contingency if this is not approved.

Councilmember Daniels encouraged those who feel strongly about federal funds to come forward with a policy. She said she is happy to support this with local dollars. Councilmember Daniels concluded by discussing taxation and asked that a policy be brought forward.

Councilmember Taylor asked if an item on federal funding is on retreat agenda. Mayor Lewis indicated that the item is on a list.

A MOTION was made by Vice Mayor Cooper, seconded by Councilmember Daniels, to approve Item 29. *Motion carried 4-3 with Councilmember Cook, Petersen, and Taylor casting dissenting votes.*

30. AGREEMENT – consider termination of Lease Agreement No. 2009-1002-0251 with American Legion Merrill-Mitchell Post 39 for a portion of Poco Verde Park (Veteran's Park), and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

30A. AGREEMENT – consider approval of:

- a) a Right-of-Way License with Salt River Project Agricultural Improvement and Power District for property located on the south side of Hackamore Street between Gilbert Road and Neely Street; and
- b) Landscape Maintenance Sublicense Agreement with Lago Estancia Homeowner's Association, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

31. BUDGET – consider authorizing a General Fund contingency transfer in an amount not to exceed \$74,828 for Fire Department expenditures for FY2013.

This item was approved with the Consent Calendar vote.

32. HUMAN RESOURCES - consider adoption of a Resolution amending the Personnel Rules with an effective date of July 27, 2013.

Employee Relations Administrator Urrea provided an overview of the changes to the Personnel Rules and explained how changes were developed using a collaborative effort with input from employees through the intranet, supervisors, managers, executive team, and the Employee Advisory Committee. She explained the proposed changes include language clarifications, formalizing current practices, and policy changes. Language clarifications include changes that were approved to the Code of Gilbert, Chapter 2, related to the Town Manager section to allow the Manager to create and eliminate positions and approval of the pay plan. Initially, there was a proposal to change notification on layoffs but that has been eliminated and employees will still be notified 60 days prior to a potential layoff. Employee Relations Administrator Urrea reviewed changes that are formalizing current practices and include the Town Attorney being key staff, a media inquiries process that requires notification to the Office of Communications and Department Director, expanding post offer physicals, and clarification to the probationary period.

for sworn police officers. Policy changes include changing the hearing officer role and the overtime calculation. The overtime calculation has been removed for future discussion.

Manager Banger said staff would like more time to talk with employee groups about overtime. Manager Banger reminded Council they tasked staff to develop a communication process with employees as the Memoranda of Understanding (MOU) are going away. Mayor Lewis commented on meetings today. Attorney Goodwin clarified that the proposed amendments to the first two lines of Section 5.4.4.2.1 need to be made at this time.

Employee Relations Administrator Urrea said a new section on social media and social networking was added. The intent is to allow employees to use social media and social networking as long as it is part of their job responsibilities.

Attorney Goodwin said the recommended motion would be to approve the resolution adopting the revised Personnel Policies with the exception of the changes to Section 3.2.4.1 and in Section 5.4.4.2.1 the first two lines will be amended as proposed but the other amendments to this section will not be made.

Councilmember Daniels said she had concern on this when Council made changes in Code and she does not think politics should be in day-to-day operations and Council action needs to be at the policy level. She said she believes transparency and the public knowing about changes is important. Councilmember Daniels asked for a quarterly report on changes that are personnel related. This would allow the public to view some type of document so they know what is going on with their local government. Councilmember Daniels commented on Section 1.3.2 and 1.8.2 [1.7.5] related to referring all media inquiries to the Office of Communications and Department Directors. She pointed out that this is not taking away any First Amendment rights but if employees are speaking on behalf of the Town it needs to be through the Department of Communications. Councilmember Daniels said she has some concern about Council not approving the pay plan but is confident that the budget process will allow Council to have a say on how changes are implemented. She discussed Section 4.9.1 on supportive action and said the documents will be subject to records laws. Councilmember Daniels thanked staff for their efforts.

Manager Banger said it is an excellent idea to have a quarterly report on personnel changes and not many changes that occur. Manager Banger said he could include a report under the Manager's comments and provide a copy of the changes.

Councilmember Cook commented on an employee's freedom of speech and asked as it relates to social media what happens if an employee says something negative to management. He asked if there are rules as to how much is acceptable versus not acceptable. Employee Relations Administrator Urrea said this section identifies an employee's First Amendment rights on what they can speak to. The idea is that employees would not be able to say something derogatory or negative using social media or networking.

Councilmember Cook said he spoke with staff on Section 6.5 related to tuition reimbursement. He asked how long the tuition reimbursement amount was in place, how Council has discussed tying some things to inflation, and that he does not know how many employees are using tuition reimbursement. Employee Relations Administrator Urrea said the \$5,000 is on a calendar year, it is taxable, and has been in place for some time. Councilmember Cook asked for additional information on the number of employees using the program. Employee Relations Administrator Urrea said she could get that information. Councilmember Cook said he knows education costs have been going up and is asking whether we should make changes according to inflation. He asked whether there should be a future discussion.

Councilmember Petersen asked about the overtime calculation and the way it works now versus the recommendation. Employee Relations Administrator Urrea said several types of leave are used for the calculation of overtime. The proposed change removes those leave types from the calculation. Councilmember Petersen asked if paid days count in the calculation. Employee Relations Administrator Urrea said some types of paid leave are not part of the current calculation and others like sick leave are part of the calculation for overtime. Councilmember Petersen said he is trying to understand the logic why you would include those types of leaves in the calculation and it puts us above market which is not our philosophy.

Vice Mayor Cooper said he has similar feelings but feels that in making sure the transition to this new communication approach he is willing to give additional time to have the conversation. Vice Mayor Cooper said he feels the communication could have been a little bit better and would like time to understand the issue but wants to revisit it soon.

Councilmember Petersen said if a specific date is set he is more comfortable but noted there are many priorities. He said he is not opposed continuing the whole discussion on the Personnel Rules to August 1 or some other date. He said there is a value to the citizens as they are paying the bill and he would like to address as quickly as can.

Mayor Lewis asked Council whether they feel continuing this item is in order. Vice Mayor Cooper said the changes usually come forward with the MOUs and he is ready move on most of the changes tonight as long as there is a commitment to revisit the overtime issue in one month.

Councilmember Ray said he has no preference and if staff says there is no significant impact he does not mind waiting. He said that he prefers to wait on the overtime situation and one concern he has is there is no data to show what this problem is and he would like that data. Councilmember Ray said that Council just approved the MOUs for fire and police and a change in overtime calculation would not impact them for one year but would impact the other employees. He said that he would like data on impact and the same start time for everybody. Councilmember Ray concluded it is appropriate to have some dialogue with employees to find out whether this is the best solution or there is another solution to remedy the problem.

Manager Banger said he prefers to move on the majority of changes tonight because a lot of the changes are to bring the Personnel Rules into conformance with the Code of Gilbert, Chapter 2. Manager Banger said he wants to make sure when we implement the new communication system

it is done properly and it is not currently mapped out in its entirety. Manager Banger said we want to make sure the process is effective and productive for the organization and employees and this cannot be resolved in one month. He concluded that we all are in agreement the communication process is an important issue that needs to be in place when the MOUs expire.

Mayor Lewis asked if there is research that is going on so that there might be data on the impact of the overtime. Manager Banger reported that we currently do not collect the data and cannot go back but can track it going forward and collect the data over a period of time to see the true impact.

Councilmember Petersen said he also has some concern on the media inquiries and that transparency is a must. He said that the way it is worded needs work and it sounds like it is implied that there must be notice to the Office of Communications and department director. He said that it implies you must have approval from management before you respond. Councilmember Petersen said that any response that is factual needs no approval and is not screened. Councilmember Petersen suggested language that reads "Town staff shall notify the Office of Communications and the department director of all media inquiries immediately following or upon responding to the inquiry". He said if there is concern that would allow follow-up right away. Councilmember Petersen said he felt the original policy to make it factual was okay but if it is clear it is not approval but keeping others in loop he is okay and could be supportive.

Councilmember Petersen said he would like to discuss the four, ten hour days and holiday issue. He feels that based upon budget discussions we are not achieving the same efficiency as in the past and how holidays are handled has contributed to the problem. Councilmember Petersen said that before four ten hour days all employees got nine holidays and two floating holidays for 88 hours. After the change they got 11 holidays and 110 hours of paid time. Councilmember Petersen said that part time employees complained and the proposed solution was to add an extra floating holiday to those employees on an five, eight hour days. He said it was not a good solution and ignores the loss to the taxpayers in the form of productive time. He said the lost hours translate from five to 15 full-time equivalent positions and that at average total cost of \$90,000 it cost one-half to over one million dollars per year. Councilmember Petersen suggested cutting two floating holidays for those on four, ten hour days so they would be at 90 hours per year and taking those on eight hour days back to the 88 hours. He said he has some proposed language but he wants an exact date set to discuss this issue.

Mayor Lewis suggested including this in the discussion on overtime and asked for a timeframe. Manager Banger said he would suggest October 1 to allow gathering data and vet the issue and report back. Councilmember Petersen said October 3 is the regular meeting and he is okay.

Mayor Lewis said two items were clarified and there had been a lot of good suggestions. Councilmember Daniels said that changing she is not changing verbiage but just requesting that staff report back quarterly on personnel changes.

Councilmember Daniels said she disagrees with changes to the media relations section and there is a need for the left hand and right hand to know what is going on. This does not affect their ability to comment from a personal basis. Councilmember Daniels said she feels it is imperative to go to the Office of Communications and department director and it is a must that everyone knows what is going on. There have been times when statements have been made from multiple departments that are conflicting and that is not good for Gilbert and there needs to be a single voice and this assures a unified voice. Councilmember responded to a question and said she is comfortable with the current language.

Vice Mayor Cooper suggested modifying the language to read "Town staff shall immediately notify the Office of Communications and the department director of all media inquiries before responding".

Manager Banger said it is not the intent to prohibit sources of information but there are times when we need to understand what has been said and be sure all the facts are out there. He said there are situations where the Town can be put into a liable position with matters involving litigation or potential litigation, or defamation of character.

Councilmember Petersen said if someone is being factual it is not a problem. He said there will be different messages if they get facts before responding. Manager Banger explained that there are times when it is best to make no comment and it is in best interest of the Town. Attorney Goodwin said nothing in this policy would stifle a whistleblower. Attorney Goodwin said public employees do not have unlimited rights of free speech with respect to certain matters but do have rights with matters of public concern and those rights are protected by the First Amendment. Mayor Lewis clarified that Attorney Goodwin feels the language is there and we have the right language.

Councilmember Cook asked whether Gilbert looked at language from neighboring communities on media inquiries. Employee Relations Administrator Urrea said staff did not look at other cities' language on media inquiries. Councilmember Cook said in the overtime review it might be appropriate to look at whether it is the time to look at why we went to four, ten hour days, see if it is still a good business practice, and that then maybe going back to eight hour days might eliminate the idea of overtime pay because it is consistent across the enterprise. Mayor Lewis said at a Study Session in Seville Council received a detailed presentation on the four, ten hour days. Councilmember Cook said he had no concern from the presentation but was trying to look from an operational perspective. Mayor Lewis said that was six months ago and he did not hear concerns. Councilmember Daniels suggested it be part of the agenda when the new communications process is in place. Councilmember Cook commented he likes how we are moving forward with the communication process and one team culture.

Councilmember Taylor said he sees a trend balancing the transparency issue and that he likes how Manager Banger sharing data with the public. He said he sees a pattern where we are closing on some pretty important things. Councilmember Taylor discussed the communication with media and said he is not sure why we needed that and is not sure we are not speaking with one voice now. He said he has seen as a best practice that management put out a broadcast that

an issue is in litigation and provide instructions how to proceed. Councilmember Taylor said this casts a wider net than necessary to protect litigation. He said we should speak with one voice and agrees with the statement. He said when you bring it down it creates a lack of efficiency and will create some cynicism. Councilmember Taylor suggested removing the language but is okay if it goes forward.

Councilmember Taylor said he feels a bigger issue is Section 1.3.2 which creates positions without Council approval and Section 2.3.8 approving the pay plan without Council approval. He said he would like both removed and it is saying the Manager can create departments that could have an ongoing financial impact yet Council will see a police car and he feels the order of magnitude is off. Councilmember Taylor said the number one expense in the Town budget is labor. He concluded that to be consistent and open and ventilate information to the public he feels those items should be removed from the list.

Mayor Lewis commented that few years ago Council agenda items included details about individual positions and changes in the organization and Council felt it was not efficient and said only tell us if there is a greater magnitude. Attorney Goodwin said that this is formalizing what the organization has been doing and that the Code of Gilbert, Chapter 2 was also amended to reflect that. Mayor Lewis said any time there was a change Council would spend a lot of time and it was inefficient. The Manager is still reporting and he is in favor of the change.

A MOTION was made by Councilmember Daniels to adopt Resolution No. 3175 amending the Personnel Rules with an effective date of July 27, 2013 with the following changes:

- a) not deleting the language in Section 3.2.4.1;
- b) removing the overtime calculation language in Section 5.4.4.2.1;
- c) requiring an administrative report on a quarterly basis on with updates on personnel and personnel changes; and
- d) modifying Section 1.7.5 to read "Town staff shall immediately notify the Office of Communications and the department director of all media inquiries before responding".

Attorney Goodwin pointed out that Section 1.7.5 refers to the Media Relations Procedure and that section clarifies the rights of employees with respect to protected speech.

Vice Mayor Cooper seconded the motion.

A MOTION was made by Councilmember Petersen, seconded by Councilmember Taylor, to amend the motion to delete the proposed changes in the pay plan in Section 2.3.8 and the proposed changes in creating positions in Section 1.3.2. *Motion failed 2-5 with Mayor Lewis, Vice Mayor Cooper, and Councilmembers Cook, Daniels, and Ray voting against the amendment.*

A MOTION was made by Councilmember Petersen, seconded by Councilmember Taylor, to amend the motion to change the media inquiry language in 1.7.5 to read "Town staff shall notify the Office of Communications and department director of all media inquiries immediately following or upon responding to the inquiry". *Motion failed 2-5 with Mayor Lewis, Vice Mayor Cooper, and Councilmembers Cook, Daniels, and Ray voting against the amendment.*

Mayor Lewis called for a vote on the original motion. *Motion carried 5-2 with Councilmembers Petersen and Taylor casting the dissenting votes.*

33. FINAL PLAT S12-01 - consider approval of the final plat for Marbella Vineyards-Phase 2B located south and east of the intersection of Ocotillo and Higley Roads.

This item was approved with the Consent Calendar vote.

34. FINAL PLAT S597 - consider approval of the final plat for Terra Bella located at the north side of Queen Creek Road between Greenfield and Higley Roads.

This item was approved with the Consent Calendar vote.

35. FINAL PLAT S12-05 - consider approval of a replat of Copperleaf -Tract H located east of the southeast corner of Lindsay and Germann Roads.

This item was approved with the Consent Calendar vote.

36. REQUEST FOR PROPOSALS – consider authorizing advertisement and acceptance of Request for Proposals, Contract No. 2013-1002-0217, for the lease of Town-owned property located near Greenfield and Chandler Heights Roads.

This item was approved with the Consent Calendar vote.

37. MINUTES – consider approval of the minutes of Regular Meeting of June 6, 2013.

This item was approved with the Consent Calendar vote with changes.

PUBLIC HEARING

Mayor Lewis opened the public hearing for items 38, 39, 40, and 41. No one wished to speak and Mayor Lewis closed the public hearing.

A MOTION was made by Vice Mayor Cooper, seconded by Councilmember Petersen, to approve public hearing items 38, 39, 40, and 41. *Motion carried 7-0.*

38. LIQUOR LICENSE – conduct hearing and consider approval of the continuation of a Series 12 Restaurant Liquor License for Desert Babe Sports Grill located at 1686 North Higley Road, Suite 101.

This item was approved with the Public Hearing vote.

39. LIQUOR LICENSE – conduct hearing and consider approval of a Series 12 Restaurant Liquor License for High Tide Seafood Bar & Grill located at 2540 South Val Vista Drive, Suite 101.

This item was approved with the Public Hearing vote.

40. ZONING Z13-09 - conduct hearing and consider approval of the findings and adoption of an Ordinance amending Ordinances No. 1649, 1710, 2361, 2404 and 2405 and rezone approximately 25.78 acres of real property within Phase 1 Parcel 3 of the Bridges Planned Area Development (PAD) and generally located south of the southeast corner of Higley and Queen Creek Roads from approximately 25.78 acres of Single Family - 6 (SF-6) zoning district with a Planned Area Development (PAD) overlay zoning district to approximately 25.78 acres of Single Family - Detached (SF-D) zoning district, as shown on the exhibit (map), which is available for viewing in the Planning and Development Services Office, and to amend conditions of development for Phase 1 Parcel 3 in the Bridges Planned Area Development (PAD) as follows: The minimum lot size shall be 6,000 square feet, the maximum height shall be 30' or 2 stories, the minimum lot width is 55', the minimum lot length is 110'. The effect of the rezoning will be to allow for the existing platted development to be constructed with SF-D development standards.

This item was approved with the Public Hearing Vote. Ordinance No. 2436 was adopted.

41. ZONING Z13-10 - conduct hearing and consider approval of the findings and adoption of an Ordinance rezoning approximately 10.25 acres of real property generally located south and east of the southeast corner of Greenfield Road and Elliot Road from Town of Gilbert Single Family 15 (SF-15) zoning district to Town of Gilbert Single Family 10 (SF-10) zoning district. The effect of the rezoning will be to allow for SF-10 development standards for an existing 13 lot subdivision with minimum 20,000 sq. ft. lots.

This item was approved with the Public Hearing Vote. Ordinance No. 2437 was adopted.

ADMINISTRATIVE ITEMS

42. COUNCIL ADMINISTRATION – discussion and direction on an assessment to determine the feasibility of a Railroad Quiet Zone Improvement District along the Union Pacific Railroad Line and authorization of a General Fund contingency transfer in the amount of \$5,800 to fund the assessment.

Assistant to the Manager Welsh made a presentation to seek Council direction to look at train quiet zones and an improvement district along the Union Pacific Railroad (UPRR). She said trains blow the horn one-quarter mile from the crossing and blow the whistle at each crossing and along north-south spur. Assistant to the Manager Welsh presented a map highlighting

properties within one mile off the main line. The area impacts 33,000 residences and 3,000 commercial properties, does not include any future developments, and represents almost half of the residences in Town.

Mayor Lewis clarified that the request is for \$5,800 for an assessment. He said that residents can hear the train and some say it was there first. Mayor Lewis said he thinks we should move forward.

Councilmember Daniels discussed the request and said there will be a few more crossings and asked whether moving forward would affect the Town's ability to work with UPRR on additional crossings. Town Engineer Gillespie said it would not affect any new crossings and all new crossings would be designed as quiet zones. Councilmember Daniels said the \$5,800 is to research the feasibility of an improvement district and that an improvement district for this purpose had never been done in Arizona. Attorney Goodwin clarified that this improvement district would be for street improvements. She spoke with bond counsel and the Town's improvement district benefits consultant and was convinced an improvement district for street improvements for this purpose is within the powers of Council.

Vice Mayor Cooper said this item is not to understand the political feasibility but just to find out if it is legal and the scope. He said future steps would be to talk about whether to move forward. Assistant to the Manager Welsh said the assessment does not include any assessment data. If the project moves forward it would have to go through public outreach. Assistant to the Manager Welsh clarified that the assessment would not address the cost of the improvements.

Councilmember Taylor asked what the Town would get out of this assessment. Assistant to the Manager Welsh explained it would provide a preliminary recommendation whether the Town is able to form an improvement district, next steps, what an improvement district would look like, and other information. She said there is a need for more information before moving forward.

Councilmember Petersen asked about protests to improvement districts. Attorney Goodwin explained that property owners would have to submit objections representing the majority of the front footage in the district. Councilmember Petersen asked about street light improvement districts. Attorney Goodwin explained that street light improvement districts require a petition. She said street improvement districts do not require a petition but the majority of the owners can oppose the district.

Mayor Lewis said at one point Council was given an estimate of costs. Assistant to the Manager Welsh said a 2007 study estimated the cost at \$1.1 million. Staff feels there would need to be a new study on costs. She reported that Council previously discussed quiet zones in 2007 and 2009. Mayor Lewis said staff might want to come to Council and ask if they want to spend money on quiet zones.

Councilmember Petersen said he is very lukewarm to the idea. He said he sees a true public benefit and those who benefit the most could pay.

Vice Mayor Cooper said because of small amount of money for an assessment he feels it is okay to go forward but that he has not decided on the issue. He said there are a few vocal residents. Vice Mayor Cooper said the bigger question is if we should spend money and to find out how it would be funded.

Councilmember Taylor asked if we could find this information in house and get the same results. Mayor Lewis asked if staff can get estimates and come back with an agenda item. He said to make sure to invite citizens.

Councilmember Daniels said each crossing is unique and each needs to be looked at. She suggested putting a discussion on train horns on the agenda and see if there is an actual problem or not.

Staff was directed to bring the item back at a future meeting.

43. BOARDS AND COMMISSIONS – consider appointment to the Planning Commission of:

- a) two regular members with terms beginning June 28, 2013 and ending June 1, 2017; and
- b) one alternate member with a term beginning June 28, 2013 and ending June 1, 2014.

This item was approved with the Consent Calendar. Jennifer Whitman and David Cavenee were appointed to the Planning Commission as regular members with a term beginning June 28, 2013 ending June 1, 2017 and; Katie Powell was appointed to the Planning Commission as an alternate member with a term beginning June 28, 2013 and ending June 1, 2014.

44. BOARDS, COMMISSIONS, AND COMMITTEES - reports from Council Liaisons for the:

- a) Council Subcommittee on Board and Commission Application Screening, Interview, and Selection
- b) Other Council Subcommittees
- c) Congress of Neighborhoods Committee
- d) Design Review Board
- e) Environmental and Energy Conservation Advisory Board
- f) Gilbert Educational Cable Access Governing Board
- g) Arts, Culture and Tourism Board
- h) Human Relations Commission
- i) Industrial Development Authority
- j) Mayor's Youth Advisory Committee
- k) Parks, Recreation and Library Services Advisory Board
- l) Planning Commission
- m) Redevelopment Commission
- n) Special Events Commission
- o) Gilbert Public Facilities MPC
- p) Gilbert Water Resources MPC

- q) Gilbert Self-Insured Trust Fund
- r) Regional Meetings
- s) Utility Board

Vice Mayor Cooper reported that the Redevelopment Commission approved Heritage Marketplace and two new restaurants had grand openings in downtown.

Councilmember Taylor reported on the final public meeting on the Parks Master Plan and that the next step is to go to the Parks, Recreation and Library Services Advisory Board. Council will discuss the plan at the retreat.

Councilmember Petersen said he was invited as part of For Our City to collaborate with Chandler on some details.

POLICY ITEMS

None.

45. FUTURE MEETINGS

An Executive Session will be held on July 2 at 5:00 p.m.

Discussion on the building codes will take place at a Study Session on July 30 which will also include review of the August 1 agenda.

COMMUNICATIONS

46. Report from the TOWN MANAGER on current events.

Manager Banger introduced Town Attorney Michael Hamblin. Town Attorney Hamblin said he is proud to serve as Town Attorney and the opportunity and reviewed his experience.

Manager Banger thanked the Parks and Recreation staff for their work on the Master Plan and recognized the Budget staff on receiving the GFOA Budget Award. He reported on the Parks and Recreation Director process and that Fire Chief interviews would begin in July.

47. Report from members of the COUNCIL on current events.

Councilmember Taylor wished everyone a happy 4th of July and commented on two other historical anniversaries.

48. Report from the MAYOR on current events.

Mayor Lewis said the meeting started late because of the Operation Welcome Home event. Fourth of July events include a patriotic music concert on July 3 and fireworks at Central Christian Church on July 4. Fireworks are allowed in Gilbert from July 3 through July 5.

ADJOURN

Mayor Lewis adjourned the meeting at 9:25 p.m.

ATTEST:

John W. Lewis, Mayor

Catherine A. Templeton, CMC, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Gilbert held on the 27th day of June 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____.

Catherine A. Templeton, CMC, Town Clerk